

PROB 12B  
(7/93)

6/17/05

**United States District Court**

**for**

**District of New Jersey**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Ricky Boyd

Cr.: 01-00372-001

Name of Sentencing Judicial Officer: Honorable Dickinson R. Debevoise

Date of Original Sentence: 09/24/01

Original Offense: Conspiracy to commit bank fraud

Original Sentence: 30 months imprisonment, 3 years supervised release, full financial disclosure, no new lines of credit, restitution in the amount of \$46,249.25, special assessment of \$100

Type of Supervision: TSR

Date Supervision Commenced: 11/24/03

**PETITIONING THE COURT**

- ☐ To extend the term of supervision for \_\_\_\_\_ Years, for a total term of \_\_\_\_\_ Years.  
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant is to be confined to his residence for a period of 4 months commencing at the direction of the U.S. Probation Office. The defendant shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures. The defendant shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The defendant shall comply with any other specific conditions of home confinement as the probation officer requires. The defendant shall pay the costs of electronic monitoring, specifically \$3.26 per day.

The Court will resend the balance of time remaining to be served at Kintock.

**CAUSE**

Boyd was placed in a community correctional center on March 3, 2005, after he was arrested and charged with receiving stolen property. On December 28, 2004, and January 4, 2005 the offender tested positive for marijuana. The offender was removed from the Community Correction Center for failure to comply with the conditions, on April 27, 2005.

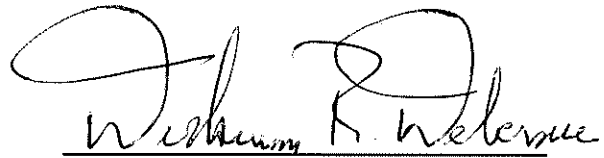
Respectfully submitted,

By: Dina M. Violante  
U.S. Probation Officer  
Date: 05/16/05

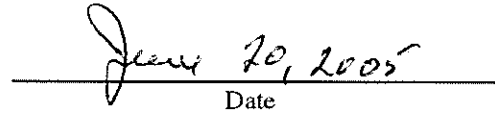
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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ The Extension of Supervision as Noted Above  
☐ No Action  
☐ Other



Signature of Judicial Officer



Date

PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

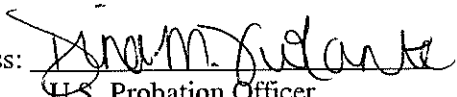
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

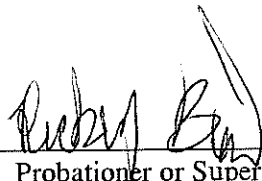
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Witness:

  
U.S. Probation Officer

Dina M. Violante

Signed:

  
Probationer or Supervised Releasee

Ricky Boyd

6/14/05  
DATE

UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY

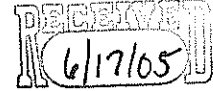
CHRISTOPHER MALONEY  
CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICERS  
ERIC K. SNYDER  
FRANK J. JOCHER

June 7, 2005

SUPERVISION UNIT  
20 WASHINGTON PLACE  
6TH FLOOR  
NEWARK, NJ 07102-3172  
(973) 645-6161  
FAX: (973) 645-2155

The Honorable Dickinson R. Debevoise  
Senior U.S. District Judge  
U.S. District Court, District of New Jersey  
Martin Luther King, Jr. Federal Building and Courthouse  
50 Walnut Street  
Newark, New Jersey 07102-0999



RE: **RICKY BOYD**  
**CR No. 01-CR-372-01**  
**Notice of Non-Compliance:**  
**Request for Modification of the**  
**Conditions of Supervised Release**

Dear Judge Debevoise:

On September 27, 2001, Your Honor sentenced Ricky Boyd to prison for 30 months to be followed by three years supervised release for the offense of Conspiracy to Commit Bank Fraud. Boyd was also ordered to pay a \$100 special assessment and \$46,249 in restitution. The offender's term of supervised release commenced on November 24, 2003. We now allege Boyd is again in violation of his Supervised Release and request the Court impose a further sanction.

On December 30, 2004, Your Honor signed a Probation Form 12B, modifying the conditions of supervision for the offender by requiring him to reside in a community corrections center for four (4) months. Principally, this was due to a November 11, 2004, arrest in Newark for Receiving Stolen Property and Driving Without a Driver's License. Subsequently, the charges were dismissed. Previously, in June 2004, the probation Office presented a Judicial Letter of Reprimand to the offender for his use of marijuana on February 24, 2004, April 20, 2004, and May 25, 2004.

While the paperwork was being processed on the December 30, 2004 sanction, Boyd tested positive for marijuana use on both December 28, 2004 and January 4, 2005. On March 3, 2005, he was received at the Kintock Community Correctional Center and began his four-month stay at the program. However only eight weeks later, on April 27, 2005, Boyd was discharged from Kintock because he failed to secure employment, failed to make required phone calls, refused to do chores, and was observed "throwing dice."

Since his discharge from Kintock we have been monitoring and working closely with Boyd. He has secured temporary employment thru a "staffing" company and will soon begin to make regular payments on his restitution. Further, we have been testing Boyd regularly to monitor illegal drug use and have directed him to attend out patient counseling to address this issue. However, his ongoing failure to attend to the conditions of supervision should be addressed. Rather than

The Honorable Dickinson R. Debevoise

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recommend a severe penalty (prison), our office, in recognition of the recent positive strides made by the offender, is requesting that the previously imposed modification be rescinded and a less stringent sanction be imposed. We now recommend the Court approve a sanction of four (4) months of Home Confinement.

On June 7, 2005, the offender agreed to the proposed modification and signed a Probation Form 49 (Waiver of Hearing to Modify Conditions of Supervised Release). Unless Your Honor considers or recommends otherwise, we respectfully request that you review the attached forms and sign the Form 12B, thus authorizing the modification. We will make ourselves readily available should Your Honor wish to discuss this matter, so please do not hesitate to contact the undersigned probation officer at (973) 645-4666.

Very truly yours,

CHRISTOPHER MALONEY, Chief  
U.S. Probation Officer



By: Dina Marie Violante  
U.S. Probation Officer

DMV/dmv



cc: Lee Vilker, AUSA  
Stacy Biancamano, AFD